

REMARKS

Claims 1-21, 27-29, 31 and 32 are pending. Claim 30 has been cancelled without prejudice or disclaimer.

Applicants thank the Examiner for indicating the presence of allowable subject matter in claim 30. Accordingly, claim 30 has been cancelled, and the process steps recited therein have been incorporated into each of the independent claims.

Claims 1-21, 27-29 and 31 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Mckee (U.S. Patent No. 5,568,931) in view of Chen et al. (U.S. Patent No. 6,617,009).

However, as the features originally presented by claim 30 have been incorporated into the independent claims, reconsideration is respectfully requested. Additionally, these features are described in the present specification at page 1, last paragraph, as permitting a desired match of patterns between the elements without causing great amounts of wasted laminate, which is otherwise practically impossible.

Moreover, as previously argued, Chen et al. is not a proper reference against the claims of this application. In antedating Chen et al., Applicants provided a number of declarations, which show conception of the subject matter recited by the pending claims prior to the § 102(e) date of Chen et al., coupled with diligence up until the filing of the Swedish priority application. Specifically, the previously submitted Declaration of Ingvar Sylegard dated May 28, 2004 states that the subject matter of the Swedish priority application was transmitted to him by the inventors prior to December 13, 1999, and less than two weeks later, the Swedish priority application was filed. Applicants cited to Bey et al. v. Kollonitch, et al., 806 F.2d 1024, 231 USPQ 967 (1986) for the same reason this case is cited at MPEP§ 2308.06, i.e.,

“The diligence of attorney in preparing and filing patent application inures to the benefit of the inventor. Conception was established at least as early as the date a draft of a patent application was finished by a patent attorney on behalf of the inventor. Conception is less a matter of signature than it is one of disclosure. Attorney does not prepare a patent application on behalf of particular named persons, but on behalf of the true inventive entity. Six days to execute and file

application is acceptable. *Haskell v. Coleburne*, 671 F.2d 1362, 213 USPQ 192, 195 (CCPA 1982). See also *Bey v. Kollonitsch*, 866 F.2d 1024, 231 USPQ 967 (Fed. Cir. 1986) (Reasonable diligence is all that is required of the attorney. Reasonable diligence is established if attorney worked reasonably hard on the application during the continuous critical period. . . .” (emphasis added))

Thus, as the previously submitted declarations clearly show conception prior to the date Chen et al. became a reference, coupled with diligence until the filing of the priority application, Applicants respectfully present that Chen et al. is not a proper reference against the rejected claims, notwithstanding the Examiner’s arguments as to who, “in general,” may make an affidavit or declaration under 37 CFR § 1.131.


Furthermore, Applicants note the recitation in the Office Action at paragraph 2 which describes “in general” who may make an affidavit or declaration under 37 CFR § 1.131. Thus, the entities identified in paragraphs (A)-(D) are only examples, as “in general” signifies that the list is not exhaustive. Accordingly, the decision of the Federal Circuit expounded in Bey, supra, is controlling here.

Claims 1-21, 27-29, 31 and 32 additionally stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Mckee in view of Finkell, Jr. (U.S. Patent No. 5,797,237), alone or in further view of Newton et al. (U.S. Patent No. 6,504,559).

Again, independent claims 1 and 14 have been amended to recite the features of previous claim 30. As each of the remaining claims depend from claim 1 or claim 14 (either directly or indirectly), Applicants respectfully submit that claims 1-12 27-29 and 32 are no longer obvious over Mckee in view of Finkell, Jr., alone or in further view of Newton et al.

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested. If any fee is necessary to make this paper timely and/or complete, it may be deducted from the deposit account of the undersigned, No.19-4375.

Respectfully submitted,



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